

REMARKS

Reconsideration of the present application, as amended, is respectfully requested.

In the Office Action, the Examiner objected to claims 1-5, 7-10, 12-15 and 18 for certain informalities such as the use of functional language and the lack of transitional phrases like "comprising". In response, claims 1 and 7-10 have been amended for better conformance. Further, it is respectfully submitted that the functional language in the claims is clear and fairly conveys to a person of ordinary skill in the pertinent art in the context in which it is used as allowed by MPEP §2173.05(g). Accordingly, withdrawal of the objection to the claims is respectfully requested.

In the Office Action, claims 1, 3-4, 9, 10 and 12-14 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,622,641 B1 (Siu) in view of U.S. Patent No. 6,560,206 B1 (Naden) and U.S. Patent No. 6,389,550 B1 (Carter). Further, claims 5-6, 11 and 15-16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Siu in view of Naden and Carter, and further in view of U.S. Patent No. 5,936,949 (Paternak). In addition, claims 7-8 and 17-18 were rejected under 35 U.S.C.

§103(a) as being unpatentable over Siu in view of Naden and Carter, and further in view of U.S. Patent No. 5,940,381 (Freeburg).

Applicant respectfully traverse these rejections and submit that claims 1, 4-12 and 14-18, as well as new claims 19-21, are patentable over Siu, Naden, Carter, Paternak and Freeburg for at least the following reasons.

Siu is directed to a fixed wireless point-to-multipoint distribution network for providing communication among subscribers. As correctly noted by the Examiner, Siu does not teach or suggest forming and dealing with superpackets. Naden and Carter are cited in an attempt to remedy this deficiency in Siu.

At the outset, it is respectfully pointed out that Naden is not a proper prior art reference since it has a U.S. filing date of June 21, 1999, while the present invention claims priority to German Patent Application No. 19919177.8, filed on April 28, 1998. Accordingly, the present patent application has a priority date, under 35 U.S.C. §102(e), of April 28, 1998, which is prior to the Naden U.S. filing date of June 21, 1999. Naden is therefore not prior art under 35 U.S.C. §102(e) to the present patent application.

Assuming, arguendo, that Naden is a proper prior art

reference, it is respectfully submitted that the present application is still patentable over Naden combined with Siu, Carter, Paternak and Freeburg. In particular, Naden teaches in FIG 3, and describes on column 7, lines 58-60, as well as the abstract, grouping ATM cells into multi-cell frames so that for each frame the header fields are reduced in size. Carter teaches on column 4, lines 51-53, to split messages (that are too long for one packet) into multiple packets which are sent out individually and reassembled at the receiving machine.

It is respectfully submitted that Siu, Naden and Carter, alone or in combination, do not teach or suggest the particular features related to superpackets recited in independent claims 1, 9-10 and 12, such as combining packets to form superpackets which are transmitted and received; where the transmitting node segments the superpacket into cells when the length of the superpacket exceeds the length of the fixedly given time slots, and inserts the cells into several time slots; and where the receiving node forms the superpacket from the cells.

There is simply no teaching or suggestion of superpackets in Siu, Naden Carter, or combination thereof. Naden merely teaches grouping ATM cells into multi-cell frames and is completely silent

about combining packet to form superpackets, and segmenting the superpackets into cells.

Similarly, Carter splits messages into packet and reassembles the messages. Carter is completely silent about superpacket and does not teach or suggest combining packets to form superpacket and/or segmenting superpakets into cell.

Paternak and Freeburg do not remedy the deficiencies in Siu, Naden and Carter. In particular Paternak is cited in rejecting claims 5-6, 11 and 15-16, while Freeburg is cited in rejecting claims 7-8 and 17-18. Accordingly, it is respectfully submitted that independent claims 1, 9-10 and 12 be allowed. In addition, as claims 4-8, 11 and 14-21 depend from independent claims 1 and 12, applicant respectfully requests that claims 4-8, 11 and 14-21 also be allowed.

Claims 8 and 18 also contain patentable subject matter. Siu, Naden, Carter, Paternak and Freeburg, alone or in combination do not teach or suggest the particular recitations of claims 8 and 18, such as sending a key via a point-to-multipoint connection and sending coded data via a point-to-point connection.

Claims 19-21 also contain patentable subject matter. Siu, Naden, Carter, Paternak and Freeburg, alone or in combination do

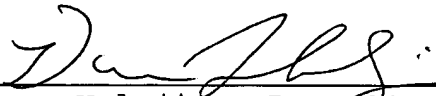
not teach or suggest a wireless network node that is designed for inserting the cells into several time slots of several frames.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

If any informalities remain, the Examiner is requested to telephone the undersigned in order to expedite allowance.

Please charge any fee deficiencies and credit any overpayments to Deposit Account No. 14-1270.

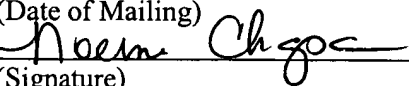
Respectfully submitted,

By 
Dicran Halajian, Reg. 39,703
Attorney
(914) 333-9607
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